

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: MICHAEL J. PENSTON)	
PAULA MUSTATA)	
<u>Debtor</u>)	CHAPTER 13
)	
ACAR LEASING LTD)	Case No.: 20-10181 (MDC)
d/b/a GM FINANCIAL LEASING)	
<u>Moving Party</u>)	
)	Hearing Date: 1-11-22 at 10:30 AM
v.)	
)	11 U.S.C. 362
MICHAELJ. PENSTON)	
PAULA MUSTATA)	
<u>Respondent</u>)	
)	
KENNETH E. WEST)	
<u>Trustee</u>)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now ACAR Leasing LTD d/b/a GM Financial Leasing (“ACAR”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. On January 10, 2020, Michael Penston and Paula Mustata filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362, and 28 U.S.C. 157 and 1334.
3. On July 27, 2018, the Debtor(s) executed a Closed End Vehicle Lease Agreement for the lease of a 2018 GMC Terrain bearing vehicle identification number 3GKALMEV6JL332587. The Lease was assigned to ACAR Leasing and the Debtors became indebted to ACAR in accordance with the terms of same. ACAR Leasing is the owner of the vehicle. Wells Fargo NA is the Collateral Agent for the vehicle. True copies of the Lease Agreement and Title to the vehicle are annexed hereto as exhibits A and B.

4. The Debtors voluntarily surrendered to the dealership.
5. The Lease matured on October 27, 2021.
6. According to the December 2021 NADA Official Used Car Guide, the vehicle has a current retail value of \$26,800.00.
7. ACAR Leasing LTD d/b/a GM Financial Leasing alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that ACAR lacks adequate protection of its interest in the vehicle as evidenced by the following:
 - (a) ACAR Leasing has possession of the vehicle and requires stay relief in order to process and sell it.
 - (c) The Lease matured.

WHEREFORE PREMISES CONSIDERED, ACAR Leasing LTD d/b/a GM Financial Leasing respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to ACAR to permit ACAR to seek its statutory and other available remedies; (2) that the stay terminate immediately upon entry of this Order, with a waiver of Fed.R.Bank.P., Rule 4001(a)(3) and (3) ACAR be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig
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d/b/a GM Financial Leasing